

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

Kenneth E. Payne,  
Plaintiff,

v.

Carolyn W. Colvin, Acting Commissioner  
of Social Security Administration,  
Defendant.

Case No. 13-CIV-510-Raw-SPS

**OPINION AND ORDER**

This case was filed on November 15, 2013. The Complaint indicates that Plaintiff resides in Rogers County, Oklahoma, which is located in the Northern District of Oklahoma. *See* 28 U.S.C. § 116(c).

Pursuant to the Social Security Act, 42 U.S.C. § 405(g), an action brought against the Commissioner of the Social Security Administration (“Commissioner”) to obtain review of the Commissioner’s final decision must be “brought in the district court of the United States for the judicial district in which the plaintiff resides...” *Id.* A court may transfer any civil action to any other district where it might have been brought. 28 U.S.C. § 1404(a). When venue is improper, 42 U.S.C. § 1406(a) requires the court to dismiss the case, “or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” *Id.* The court finds that the interest of justice is best served by a transfer, and not a dismissal, of this lawsuit.

**ACCORDINGLY**, the court finds that the Eastern District of Oklahoma is not a proper venue for this action. The court further finds that transfer of this matter to the Northern District of Oklahoma is appropriate under 42 U.S.C. § 1406(a). The Court Clerk is directed to transfer this matter to the Northern District of Oklahoma.

Dated this 19th day of November, 2013.



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HONORABLE RONALD A. WHITE  
UNITED STATES DISTRICT JUDGE  
EASTERN DISTRICT OF OKLAHOMA